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UTILITY

Attorney Docket No. 7969-097-999 Total Pages 80

PATENT APPLICATION
First Named Inventor or Application Identifier

TRANSMITTAL
(Only for new nonprovisional applications under 37 CFR 1.53(b))
Express Mail Label No. EV 335 858 177 US

	APPLICATION ELEMENTS See MPEP chapters 600 concerning utility patent application contents.					Address to:		P.O. Box 1 Mail Stop	Commissioner for Patents P.O. Box 1450 Mail Stop PATENT APPLICATION Alexandria, VA 22313-1450			
1. 🖾		Fee Transmittal Form (Submit an original, and a duplicate for fee processing)				7. 🔲	7. CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)					
2. 🗆	Applica	Applicant claims Small Entity status, see 37 C.F.R. § 1.27				8. 🖾		de and/or Amino Acid	Sequence S	Submissi	mO	
3. 🛛	Specific	Specification [Total Pages 59]						cable, all necessary)  Computer Readable F	Form (CRI	F)		
	- Descri - Cross	ed arrangement set j ptive title of the Invo Reference to Related ent Regarding Fed s nce to Microfiche A	Applications ponsored R&D	503.01)			ъ. <b>[</b> i. ii	Specification Sequen  ☐ CD-ROM or CD-	ce Listing R (2 copie	on: es); or	22264 U.S 10/7491	
	<ul> <li>Background of the Invention</li> <li>Brief Summary of the Invention</li> <li>Brief Description of the Drawings (if filed)</li> </ul>					ACCOMPANYING APPLICATION PARTS					RTS	
		- Detailed Description of the Invention (including drawings, if filed)					Assign	nent Papers (cover shee	t & docun	nent(s))		
	- Claim( - Abstra	s) ct of the Disclosure				10. 🗆		3.73(b) Statement here is an assignee)		Power	of Attorney	
4. 🛛	Drawing	(s) <i>(35 USC 113)</i>		[Total Sheet	s 2]	11.	English	Translation Document	(if applica	ble)		
5. 🛛	Oath or	Declaration		[Total Sheet:	s 2]	12. 🗆		tion Disclosure int (IDS)/PTO-1449		Copies Citation		
	a. 🔲	Newly executed (	original or copy)			13. 🖾	Prelimi	nary Amendment				
	b. 🛛	Copy from a prior (for continuation/	application (37 CFR divisional with Box 18	1.63(d)) 8 completed)		14. 🖾	Return l	Receipt Postcard (MPE) be specifically itemized	P 503)			
	i. 🗆	DELETION OF II Signed statement		ntor(s) named in	the prior	15. 🔲 16. 🔲	Certified (if foreign Nonpub	d Copy of Priority Docugn priority is claimed) lication Request under ach form PTO/SB/35 or	iment(s)	122 (b)(2)	)(i). Applicant	
6.	Applicat	ion Data Sheet. See	37 CFR 1.76	•	••	17. 🗆	Other:	ach form 1 10/3B/33 0	in a equiv	alent		
18. If a C	CONTINUI et under 37	NG APPLICATIO CFR 1.76:	N, check appropriate	box and supply	the requisite	e informatio	on below a	and in a preliminary am	endment, c	or in an A	pplication	
Cont	inuation	□ Divisional	Continuation-	in-part (CIP)	of prior	application	n No.: 09 f 60/098,	/388,089 filed Augu 585 filed September	st 31, 19 1, 1998	99, whic	h	
Prior app	lication info	rmation:	Examiner: S. D.	)evi			Gr	oup Art Unit: 164	5			
ob, is cor	isiaerea a p	art of the disclosur	AL APPS only: The e of the accompanyi has been inadverter	ng continuation	or division	al applica	tion and i	which an oath or dec s hereby incorporated rts.	laration is by refere	supplied	l under Box incorporation	
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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail No.: <u>EV 335 858 177 US</u>

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior application:		]	Examiner S. Devi				
			Art Unit 1645				
Com PO E	PATENT API missioner For Box 1450 andria, Virgin	Patent	is .				
Sir:							
1.53( provi	(b), of pending	g prior	equest for filing a _ continuation \( \subseteq \text{ divisional application under 37 C.F.R. } \) application no. 09/388,089, filed August 31, 1999, which claims priority of umber 60/098,685, filed September 1, 1998.				
of _	W. James Jacl	kson ar	nd Andrea M. Harris				
			(inventor(s) currently of record in prior application)				
for	NEISSERIA	MENIN	GITIDIS POLYPEPTIDE, NUCLEIC ACID SEQUENCE AND USES THEREOF				
			(title of invention)				
	1.		Please cancel claims and without prejudice.				
	2.		Amend the specification by inserting before the first line the following sentence:				
	3a.	New formal drawings are enclosed.					
	3b.	$\boxtimes$	nformal drawings are enclosed.				
	<b>4</b> a.	$\boxtimes$	Priority of application no. 60/098,685, filed on September 1, 1998 is claimed under 35 U.S.C. §119(e).				
	4b.		The certified copy has been filed in prior application no. , filed .				
	10218 F 6a. ⊠ A copy		The prior application is assigned of record to Antex Biologics Inc. at Reel 10218 Frame 0748.				
			A copy of the Power of Attorney filed in the prior application no. 09/388,089, filed August 31, 1999 is enclosed.				
	6b.		A Power of Attorney is enclosed.				
	to be disc requested applicatio present ap		This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior application no. 09/388,089, filed August 31, 1999 be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application.				

## PENNIE & EDMONDS LLP DOCKET NO 7969-097

8.	8. An endersigned states, under 37 C.F.R. §1.821(1), that the content of the enclosed paper Sequence Listing from application no. 09/388,089, filed August 31, 1999 is the same as the content of the computer readable form submitted in application no. 09/388,089, filed August 31, 1999							
9.		DO NOT PUBLISH. I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).						
10. Additional enclosures or instruction: Preliminary Amendment								
			Respectfully submitted,					
Date <u>I</u>	Decemb	er 29, 2003	Gerellu F. Belluin Geraldine F. Baldwin	31,232				
			Geraidine F. Baidwin	(Reg. No.)				
			Lorely 15 lum	40,203				
			William J. Thomann PENNIE & EDMONDS LLP	(Reg. No.)				
			1155 Avenue of the Americas New York, New York 10036-2711					
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